## REMARKS/ARGUMENTS

### *Status of the Claims*

Claims 1-8, 10-19, and 21-22 are currently pending in the application. Claims 2-8, 11, 12, 14-19, and 22 have been amended. Claims 24-30 have been added. Claims 1, 10, 13, and 21 have been cancelled. No new matter has been added by the amendments. Therefore, claims 2-8, 11, 12, 14-19, 22, and 24-30 are present for examination. Claims 24, 25, and 28 are independent claims.

Prior to entry of this amendment, the application included claims 1-8, 10-19, and 21-22. A non-final office action mailed February 4, 2008, has provisionally rejected claims 1-8, 10-19, and 21-22 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over (i) claims 1-24 of copending Application No. 10/046,654, (ii) claims 1-23 of copending Application No. 09/858,251, (iii) claims 18-27 and 32-39 of copending Application No. 10/045,623, and (iv) claims 1-27 of copending Application No. 10/021,292. Claims 1-8, 10-19, and 21-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8, 10-19, and 21-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publ. No. 2002/0082962 to Farris ("**Farris**").

### *Double Patenting*

Claims 1-8, 10-19, and 21-22 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over (i) claims 1-24 of copending Application No. 10/046,654, (ii) claims 1-23 of copending Application No. 09/858,251, (iii) claims 18-27 and 32-39 of copending Application No. 10/045,623, and (iv) claims 1-27 of copending Application No. 10/021,292. A terminal disclaimer is provided herewith. As such, this rejection is now moot.

***Claim Rejection Under 35 U.S.C. 112***

Claims 1-8, 10-19, and 21-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Handler" is defined in the application at p. 4, lines 4-12. Examples of different handlers are described in conjunction with Fig. 2 at p. 3, line 13 – p. 5, line 19. Applicants believe no further definition is required and respectfully request the Examiner to withdraw this rejection.

Claims 1, 10, 21:

Claims 1, 10, and 21 have been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, essential steps, and/or essential structural cooperative relationships of elements, such omission amounting to a gap between the elements, steps and/or between the necessary structural connections.

Independent claims 1, 10, and 21 have be cancelled and replaced with new independent claims 24, 25, and 28. The new independent claims address the rejections based on 35 U.S.C. § 112. All other claims are based on one of these independent claims. As such, Applicants respectfully request the Examiner withdraw this rejection.

Claims 1, 3-4, and 6:

Claim 1 has been cancelled and replaced with new independent claim 24. The new independent claim and amendments to claims 3, 4, and 6 address the rejections based on 35 U.S.C. § 112. As such, Applicants respectfully request the Examiner withdraw this rejection.

Claim 10:

Claim 10 has been amended. As such, Applicants respectfully request the Examiner withdraw this rejection.

Claim 17:

Claim 17 has been amended. As such, Applicants respectfully request the Examiner withdraw this rejection.

***Claim Rejection Under 35 U.S.C. 102***

Claims 1-8, 10-19, and 21-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publ. No. 2002/0082962 to Farris ("**Farris**"). Applicants respectfully request reconsideration of the rejection because the Examiner has failed to show a *prima facie* case of anticipation. 35 U.S.C. § 102(e) states:

> A person shall be entitled to a patent unless — . . .
>
> (e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; . . .

Farris cannot be considered prior art under 35 U.S.C. § 102(e) because Farris was not filed before the invention of the present application.

Farris has a filing date of July 27, 2001. Farris claims priority to a provisional application filed July 27, 2000. However, for the Examiner to use the earlier date of the provisional application, the Examiner must demonstrate that the material relied upon in Farris was present in the provisional application. *See* MPEP § 2136.03.

The present application (hereinafter the "Application") clearly claims benefit to the filing dates of three different applications. *See Application*, p. 1, lines 2-5. First, the Application claims priority to PCT/US01/22,179 that was filed on July 11, 2001. The Application also claims priority to U.S. Patent Application No. 09/613,615 filed on July 11, 2000 and U.S. Patent Application No. 09/476,384 filed December 30, 1999. For purposes of

examination, the earliest priority date of the Application is considered the data of invention. *See* MPEP § 2136.05.

As such, the Application has an invention date that is earlier than that of Farris. Indeed, the Application even has a priority date that antedates the priority date of Farris if the Examiner relies on the provisional application from which Farris claims priority. Therefore, Farris cannot be prior art under 35 U.S.C. § 102(e) because the filing date of Farris does not precede the priority date of the Application.

Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 102(e) as it applies to all claims and issue a notice of allowance at the earliest convenience.

## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed in the present response. Rather, Applicants believe the amendments and remarks contained in the present response address all arguments and place the application in a condition of allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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